

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

| | | |
|---------------------------|---|-----------------------|
| UNITED STATES OF AMERICA, |) | |
| |) | |
| Plaintiff, |) | |
| |) | |
| v. |) | No. 4:06-CR-337 (CEJ) |
| |) | |
| NEIL S. KAPLAN, |) | |
| |) | |
| Defendant. |) | |

MEMORANDUM AND ORDER


Pursuant to 28 U.S.C. § 636(b), the Court referred all pretrial matters in this case to United States Magistrate Judge Mary Ann L. Medler for determination and recommended disposition, where appropriate. On March 15, 2007, Judge Medler issued a Report and Recommendation in which she recommended that the motion for severance filed by defendant Neil S. Kaplan be denied. The defendant filed timely objections on March 20, 2007. The defendant filed a second motion for severance after the Third Superseding Indictment was filed. On December 16, 2008, Judge Medler issued a Report and Recommendation in which she recommended denial of the defendant's second severance motion. The defendant did not file an objection to the December 16 Report and Recommendation. Consequently, the Court, will review *de novo* the proposed findings and recommendations of the magistrate judge to which Neil Kaplan earlier objected. 28 U.S.C. §636(b)(1).

In his objections, Neil Kaplan states that he "remains concerned" that he will be prejudiced by a joint trial, given his limited involvement with BetOnSports. Additionally, the defendant states that he will incur "inflated costs of a trial that will last longer by virtue of the number and nature of joined defendants" Neil Kaplan does not challenge any of the factual findings or legal conclusions of the magistrate judge with respect to the propriety of joinder of the defendants and counts under Fed. R. Crim. P. 8(b) and 14(a), or as to the absence of prejudice resulting from the nature and volume of evidence against a co-defendant or from economic hardship.

Accordingly, for the foregoing reasons,

IT IS HEREBY ORDERED that the Reports and Recommendations of United States Magistrate Judge Mary Ann L. Medler with respect to the motions for severance filed by defendant Neil S. Kaplan are sustained, adopted, and incorporated herein.

IT IS FURTHER ORDERED that the motions of defendant Neil S. Kaplan for severance [Doc. 234 and Doc. 821] are **denied**.



CAROL E. JACKSON
UNITED STATES DISTRICT JUDGE

Dated this 17th day of March, 2009.